

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ENCOMPASS INSURANCE COMPANY OF
MASSACHUSETTS,

Plaintiff

v.

JOSEPH D. GIAMPA, FREDERICK T. GIAMPA
ADVANCED SPINE CENTERS, INC. d/b/a
FIRST SPINE REHAB, FUTURE
MANAGEMENT CORPORATION, FUTURE
MANAGEMENT BUSINESS TRUST,
EDWARD KENNEDY, BRIAN J. CULLINEY,
D.C., and JENNIFER McCONNELL, D.C.

Defendants.

Case No. 05-11693 RCL

AFFIDAVIT OF JAMES KENNEDY

I James Kennedy do hereby depose as follows under the pains and penalties of perjury:

1. I am a defendant in the action styled Edward D. Kennedy, et al. v. James Kennedy, et al., Middlesex Superior Court Civil Action No. 05-01458.
2. Edward D. Kennedy is my brother.
3. I have repeatedly denied the allegations contained in the Complaint filed in that action as well as in a related Adversarial Proceeding in my Bankruptcy Petition pending in Worcester.
4. My brother's assertions in the Complaint are nothing but baseless lies and unsupported invective.

5. Neither Middlesex Superior Court nor the Bankruptcy Court in Worcester have ever been persuaded by nor attached any credibility to these false and ludicrous statements.
6. My brother was admitted to a drug and alcohol rehabilitation center in close proximity to the filing of the above referenced lawsuit.
7. My brothers problems with drugs and alcohol were a factor in me taking control of our family business to prevent my brother from engaging in further detrimental activities.
8. It is from these actions that my brother filed the frivolous and meritless allegations referred to by the Plaintiff in the instant action.
9. I have never paid for or engaged runners, nor did any persons employed by or associated with any of the entities named in this lawsuit.

SIGNED THIS 19th DAY OF AUGUST 2005 UNDER THE PAINS AND
PENALTIES OF PERJURY.



James Kennedy